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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 ALLSTATE INSURANCE COMPANY,
16 ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
17 INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
18 COMPANY,

19 Plaintiffs,

20 v.

21 RUSSELL J. SHAH, MD, DIPTI R. SHAH,
22 MD, RUSSELL J. SHAH, MD, LTD., DIPTI
R. SHAH, MD, LTD., and RADAR
23 MEDICAL GROUP, LLP dba UNIVERSITY
URGENT CARE, DOES 1-100, and ROES
24 101-200,

25 Defendants.

26 AND RELATED CLAIMS
27
28

CASE NO. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR ALL
PARTIES TO RESPOND TO PARTIES'
MOTIONS FOR SUMMARY JUDGMENT
FILED 12/16/22**

(Third Request)

1 Plaintiffs/Counter-defendants ALLSTATE INSURANCE COMPANY, ALLSTATE
 2 PROPERTY & CASUALTY INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY,
 3 and ALLSTATE FIRE & CASUALTY INSURANCE COMPANY (collectively, the “Allstate
 4 Parties”), and Defendants and Counterclaimant RUSSELL J. SHAH, M.D. (“Dr. Russell Shah”),
 5 DIPTI R. SHAH M.D. (“Dr. Dipti Shah”), RUSSELL J. SHAH, MD, LTD. (“Russell PC”), DIPTI
 6 R. SHAH, MD, LTD. (“Dipti PC”), and RADAR MEDICAL GROUP, LLP (“Radar”) (collectively,
 7 the “Radar Parties”), by and through their respective counsel of record, hereby stipulate and agree
 8 as follows:

9 1. On December 16, 2022, Radar filed its detailed Motion for Summary Judgment
 10 Regarding Allstate’s Failure to File an Answer to the Amended Counterclaims [ECF No. 457]
 11 (“Radar MSJ No. 1”).

12 2. On December 16, 2022, the Allstate Parties filed their detailed Motion for Summary
 13 Judgment as to both counterclaims alleged by Radar in this matter [ECF No. 458] (“Allstate MSJ”).

14 3. On December 16, 2022, the Radar Parties filed their Motion for Summary Judgment
 15 on Allstate’s Causes of Action in its First Amended Complaint [ECF Nos. 460, 461] (“Radar MSJ
 16 No. 2”).¹ It is an extensive, detailed motion covering 50 pages of points and authorities,² along with
 17 35 extensive volumes of exhibits [ECF Nos. 462-496] gleaned from the discovery that took place
 18 over many years in this matter.

19 4. The initial deadline for the parties to file their respective Responses to Radar MSJ
 20 Nos. 1 and 2 and the Allstate MSJ (collectively, the “Motions”) was January 6, 2023.

21 5. Due to scheduling conflicts for respective counsel for the Allstate Parties (Todd W.
 22 Baxter) and the Radar Parties (Joshua P. Gilmore) and the holidays, and in light of the critical
 23 importance of the Motions, the parties filed a Stipulation for an extension of time to file their
 24 Responses to the Motions [ECF No. 499], and the Court entered an Order granting their Stipulation
 25 and extending the time to file the Responses to February 6, 2023 [ECF No. 500].

26 _____
 27 ¹ ECF No. 460 was publicly-filed and ECF No. 461 was filed under seal.

28 ² Pursuant to the Court’s December 16, 2022 Minute Order [ECF No. 456], the Radar Parties
 were granted leave to file an oversized brief that did not exceed 50 pages.

1 6. With on-going scheduling conflicts for respective counsel for the Allstate Parties
2 (Todd W. Baxter) and the Radar Parties (Joshua P. Gilmore), work schedules and in light of the
3 critical importance of the Motions, the parties filed a second Stipulation for an extension of time to
4 file their Responses to the Motions [ECF No. 501], and the Court entered an Order granting their
5 Stipulation and extending the time to file the Responses to February 21, 2023 [ECF No. 502].

6 7. Following the issuance of that Order, starting on January 30, 2023 through February
7 4, 2023, counsel for the Allstate Parties unexpectedly had a medical issue that arose leading to a
8 limited work schedule. That has since resolved. In addition, Mr. Baxter is in trial during the week
9 of February 6, 2023 in Tulare County Superior Court in Visalia, California.

10 8. Although counsel for the Allstate Parties and the Radar Parties have been diligently
11 working on the Responses, additional time is needed due to the issues presented by the extensive
12 Motions and unanticipated work-related issues and scheduling conflicts.

13 9. In light of the amount of time that was initially granted to the parties to file their
14 respective Motions after the close of discovery, the critical importance of these Motions, the
15 extensive size of Radar MSJ No. 2, and the work schedule of counsel for the parties, and in order to
16 ensure that the parties have an adequate opportunity to address the Motions, the parties hereby
17 stipulate and agree (i) that the Allstate Parties shall now have until March 3, 2023, to file their
18 Responses to Radar MSJ Nos. 1 and 2 and (ii) Radar shall now have until March 3, 2023, to file its
19 Response to the Allstate MSJ.

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10. This is the third stipulation for an extension of time to file Responses to the Motions. Neither party presently anticipates any further extensions will be needed for the Responses. This stipulation is made in good faith and not to delay the proceedings.

IT IS SO STIPULATED.

Dated: February 8, 2023.

Dated: February 8, 2023.

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

BAILEY KENNEDY

By: /s/ Todd W. Baxter

By: /s/ Joshua P. Gilmore

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ORDER

IT IS SO ORDERED.

DATED this 9th day of February, 2023.


UNITED STATES DISTRICT JUDGE